United States Department of Labor Employees' Compensation Appeals Board

R.W., Appellant)	
and)	Docket No. 10-1972
U.S. POSTAL SERVICE, TACOMA CENTRAL CARRIER FACILITY, Tacoma, WA, Employer)	Issued: May 12, 2011
Appearances: John Eiler Goodwin, Esq., for the appellant)	Case Submitted on the Record
Office of Solicitor, for the Director		

ORDER REMANDING CASE

Before:
RICHARD J. DASCHBACH, Chief Judge
ALEC J. KOROMILAS, Judge
COLLEEN DUFFY KIKO, Judge

On July 27, 2010 appellant, through his representative, filed a timely appeal from the March 22, 2010 merit decision of the Office of Workers' Compensation Programs, which determined his wage-earning capacity from actual wages and which reduced his wage-loss compensation accordingly. The Office mailed its decision to appellant and to the employing establishment.¹

The Board has duly considered the matter and finds that the Office's March 22, 2010 decision must be set aside. Office regulations require that a copy of the Office decision be sent to the authorized representative.²

Appellant designated his representative before the Office on June 27, 2008. The Office received the authorization on July 3, 2008 and acknowledged it that same day. Because the record does not show that the Office mailed a copy of its March 22, 2010 decision to appellant's

¹ On January 12, 2007 appellant, a 54-year-old letter carrier, injured his left leg in the performance of duty when he slipped on a patch of ice and fell. The Office accepted his claim for a closed fracture of the left tibia, unspecified.

² Travis L. Chambers, 55 ECAB 138 (2003), reaff'd on recon., with technical corrections, November 4, 2003; 20 C.F.R. § 10.127.

authorized representative, the decision reducing appellant's compensation was not properly issued. Accordingly,

IT IS HEREBY ORDERED THAT the March 22, 2010 decision of the Office of Workers' Compensation Programs is set aside and the case remanded for appropriate action.

Issued: May 12, 2011 Washington, DC

> Richard J. Daschbach, Chief Judge Employees' Compensation Appeals Board

> Alec J. Koromilas, Judge Employees' Compensation Appeals Board

> Colleen Duffy Kiko, Judge Employees' Compensation Appeals Board